

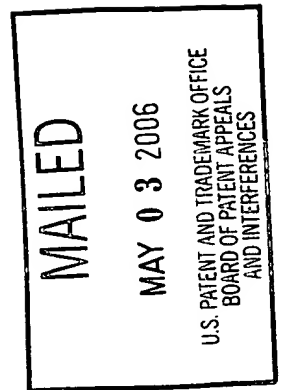
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JUNJI TAJIME and TETSURO TAKIZAWA

Application No. 09/334,354

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received electronically at the Board of Patent Appeals and Interferences (BPAI) on April 10, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are outlined below:

The Examiner's Answer mailed December 6, 2005, does not fully comply with the headings as set forth under 37 CFR § 41.37(c). The heading "**(8) Evidence Relied Upon**" lacks the content pertinent to it. **The Manual Of Patent Examining Procedure (MPEP)** § 1207.02(A)(8) (8th ed., Rev. 3, Aug. 2005) states in-part:

. . . CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

The examiner states under heading "**(8)**" in the answer that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal." It has been determined that the examiner does rely upon reference evidence, the following patents are applied in the 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) rejections on appeal:

Ohira et al. (Ohira)	6,208,689	Mar. 27, 2001
Nakajima et al. (Nakajima)	6,243,421	Jun. 5, 2001

Further review of the file indicates that on September 28, 2005, appellants filed an Appeal Brief under the rules set forth in 37 CFR § 41.37(c). The brief indicates that the last two required sections are missing.

The missing sections are:

- (1) "**Evidence appendix**," as set forth in 37 CFR § 1.37(c)(1)(ix); and
- (2) "**Related proceedings appendix**," as set forth in 37CFR § 41.37(c)(1)(x).

Correction is required. For more information on the Board's new rules see the web page pertaining to the Rules of Practice Before

Application No. 09/334,354

the BPAI at:

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>

Accordingly, it is

ORDERED that the application is returned to the
examiner to:

- have the appellants submit a supplemental Appeal Brief in compliance with the new rules set forth in 37 CFR § 41.37(c);
- issue a revised Examiner's Answer that complies with the requirements of heading "**(8) Evidence Relied Upon**" as noted above;
- have the supplemental Appeal Brief and revised scanned into the Official record; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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Application No. 09/334,354

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